

There is conflicting testimony concerning the onset, nature and cause of claimant's condition. Due to the conflicting testimony, the credibility of the witnesses becomes an important consideration. In weighing the evidence and considering the credibility of the witnesses, the Appeals Board takes into consideration the Administrative Law Judge's opportunity to observe the witnesses' testimony. In finding the claim noncompensable, the Administrative Law Judge must have discounted the claimant's testimony in favor of the

other witnesses. The Appeals Board gives some deference to the conclusions of the Administrative Law Judge in this regard.

Based upon a review of the record as a whole, we find that the claimant has not met her burden of proving accidental injury arising out of and in the course of her employment.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the April 22, 1996 preliminary hearing Order of Administrative Law Judge Steven J. Howard should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of July 1996.

BOARD MEMBER

c: Ronald J. Laskowski, Topeka, KS
Mary L. Beasley, Pro Se
Steven J. Howard, Administrative Law Judge
Philip S. Harness, Director